

PS 8
(5/05)

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

United States of America

vs.

Michael Toussaint

Docket No. 0101 1:20CR10136-12

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

The undersigned Pretrial Services Officer presents this report regarding defendant Michael Toussaint , who was placed under pretrial release supervision by the Honorable Marianne B. Bowler, on 6/24/2020 under the following conditions:

\$10,000 unsecured bond

1. Obey all statutory conditions of release.
2. Report to U.S. Probation and Pretrial Services as directed.
3. Maintain or actively seek employment unless excused by U.S. Probation and Pretrial Services.
4. Surrender any passport to U.S. Probation and Pretrial Services.
5. Do not obtain a passport or any other travel document while this case is pending.
6. Travel is restricted to the District of Massachusetts.
7. Maintain residence and do not move without prior permission of U.S. Probation and Pretrial Services.
8. Avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendants and defendants on related cases, unless in the presence of counsel.
9. Refrain from possessing any firearm, destructive device, or other dangerous weapon.
10. Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner.
11. Refrain from the excessive use of alcohol.
12. Submit to any testing required by the pretrial services office or the supervising officers to determine whether the defendant is using a prohibited substance. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
13. You are restricted to your residence every day from 10:00 p.m. to 5:00 a.m.
14. Report any contact with law enforcement within 24 hours

On December 1, 2020, the defendant's curfew was ordered removed by U.S. Magistrate Judge Marianne B. Bowler.

On August 19, 2020, the defendant tested positive for marijuana and oxycodone upon release from custody. U.S. Probation submitted a petition to the Court asking for a summons; however, the defendant agreed to a modification of his release conditions to include drug treatment shortly thereafter and no further action was requested.

On July 30, 2021, a Petition for Action was submitted to the Court regarding the defendant's contact with law enforcement on July 19, 2021, on which date he was issued a summons for Operating a Motor Vehicle with a Suspended License and a Suspended Registration. The noncompliance was addressed with the defendant and no action was requested.

On July 30, 2021, the defendant submitted a urinalysis which was returned positive for marijuana. The marijuana use was addressed with the defendant and his treatment provider and no action was requested. U.S. Magistrate Judge Marianne B. Bowler concurred and no action was ordered.

On September 16, 2021, the defendant submitted a urinalysis which was returned positive for marijuana. The marijuana use was addressed with the defendant and his treatment provider and no action was requested. U.S. Magistrate Judge Marianne B. Bowler concurred and no action was ordered.

And respectfully seeks action by the Court and for cause as follows:

On October 26, 2021, the defendant submitted a urinalysis which was returned positive for marijuana. The marijuana use was addressed with the defendant and his treatment provider.

On November 16, 2021, the defendant submitted a urinalysis which tested positive for marijuana. This represents his 10th positive urinalysis for marijuana since his pretrial release and, of particular note, the defendant has not provided any negative urinalysis' since his pretrial release was ordered. Numerous efforts have been made to bring the defendant into compliance and curb his marijuana use, including counseling by the undersigned probation officer and collaboration with the defendant's treatment provider. Given the defendant's continued marijuana use despite those efforts, as well as the fact that multiple no action petitions have been submitted to the court, it is respectfully recommended that the defendant's non-compliance be taken to account at sentencing, which is currently scheduled for January 27, 2021.

If, for any reason, the defendant's sentencing does not proceed on that date, U.S. Probation would request that a hearing be held to address the defendant's aforementioned non-compliance.

Petition for Action on Conditions of Pretrial Release

PRAYING THE COURT WILL:

- ☐ Issue a Warrant
☐ Issue a Summons for the defendant to appear for a show cause hearing
☒ Other: US Probation respectfully recommends that the defendant's non-compliance be taken into account at sentencing.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: 1/14/2021

Place: Boston, Massachusetts

/s/Andrew R. Kessler-Cleary

Date: 1/14/2021

Andrew Kessler-Cleary
U.S. Probation Officer

ORDER OF COURT

- ☐ Warrant to Issue
☐ Summons to issue. Clerk to schedule show cause hearing.
☒ Other: No Action

Considered and ordered this 18th day of January, 2022, and ordered filed and made part of the record in the above case.

/s/ Richard G. Stearns
Judicial Officer